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## GOVERNOR'S MESSAGE.

*The Honorable, the General Assembly  
of North-Carolina:*

Since your last adjournment, various and important changes in the situation of our affairs have occurred, and many of them require legislative action at your hands.

The late act of Congress conferring power on the President of the Confederate States, to impose regulations and restrictions on commerce has given rise to such a system, on the part of the Confederate authorities, as will effectually exclude this State from importing any farther supplies for the army or people. The port of Wilmington is now more effectually blockaded *from within* than without. The terms imposed upon ship owners, being such that a heavy loss is incurred by every voyage—and notwithstanding the said act provides, “That nothing in this act shall be construed to prohibit the Confederate States, or any of them, from importing any of the articles herein enumerated on their own account,”—yet this is so construed by the government, as to compel the States to submit to the same terms as are imposed on private parties; and clearances are refused and the guns of the fortifications brought to bear upon our own vessels to compel a compliance.

Private parties importing supplies for the government, by contract, for enormous profits, are not taxed by these regulations; yet the State of North-Carolina, importing almost solely the *same* articles for the *same* purpose, is compelled to submit to them. I deem it inconsistent with the public interests to refer

more particularly to our blockade running transactions and the loss which the State will suffer on both ships and supplies on hand, if these regulations continue in force. When this is considered with the farther fact, as I hold it, that the general government has no right to seize one-half, or *any part of*, the interest of a sovereign State in the vessels employed in importing her supplies (this being the terms, to which we are called upon to submit,) or to impose such regulations as will destroy instead of regulating commerce, it becomes your province to demand a repeal or modification of the act, and I respectfully and earnestly recommend that you do so. And in case Congress should decline to repeal or modify the act, I respectfully ask for directions as to what I shall do with the ships and supplies on hand. A detailed statement of these supplies together with an account as accurate as can be, without vouchers for expenditures abroad not yet received, is herewith submitted—together with the report of Mr. John White, our special Commissioner to Europe. In reference to this gentlemen, it is due to him that I should say, that I have every reason to be pleased with the skill and fidelity with which he performed the duties of his difficult mission. A report of the operations of our other Commissioner, Col. D. K. McRae, necessarily incomplete, is also submitted, and will, I believe, be found equally satisfactory, and creditable to him as Commissioner. In this connection I respectfully ask for the appointment of a committee to investigate all matters appertaining to the blockade-running of the State, to be appointed at an early day, so as to report to your present session if possible. No appropriation has been made by your honorable body to pay the current expenses of the vessels engaged in running the blockade, and none will be necessary, for these expenses can be paid by selling bills, drawn on our agent in England, as being incurred in Wilmington chiefly for the expenses connected with the loading and unloading vessels, compressing cotton, &c., and they can be discharged in currency. I would suggest that you authorize the Treasurer to purchase these bills out of any



money in the Treasury, and thus keep the sterling exchange in the Treasury—which otherwise would have to be put on the general market, and be lost to the State.

Being convinced from experience that the legitimate business of my office, now four-fold greater than formerly, is sufficient to tax all my energies of mind and body, and that I cannot do justice to the interest of the State in a business so complicated as many of the transactions, which are carried on at such a distance, I respectfully recommend that a commission of one or more gentlemen, skilled in such business be appointed to conduct the future operations of the State, in importing supplies, whether for the purpose of continuing the operations or winding up the business.

A report of the Adjutant General covering reports of his subordinates in the different departments is herewith submitted.

The impressment of property of citizens by officers and agents of the Confederate government, harsh enough in itself, has become doubly so, by the constant disregard of the provision of the law regulating seizures. In addition to this, the flagrant outrages committed, in every part of the country, by straggling soldiers, and other persons in the Confederate service, having no shadow of authority to impress property, has become a grievance almost intolerable. A recital of many instances of such, which have been brought to my knowledge, would shock the moral sense of the most heartless.

I have urged in vain upon the authorities of the Confederacy to check this evil, and have used every possible effort to do so myself. But it seems to grow worse, and as the supplies of our people become more scant they feel more sensibly this unjust deprivation of their property, which reduces them almost to the verge of starvation. It must be stopped, if possible, and I earnestly recommend such action on your part as you may think best calculated to aid me in remedying the evil. My correspondence with the War Department on this subject is submitted for your consideration. I desire to call your attention specially to certain enactments

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of the last Congress of the Confederate States. Among them is one extending the age of conscription from 17 to 18, and from 45 to 50 years, which force is to be organized as a State reserve—their company officers to be elected, and the field officers appointed by the President, and all to be under his command.

In addition to the great injury to be apprehended to the agricultural interests of the country, should these men be ordered into actual service, I have to remind you that it will absorb the entire militia force of the State, and would leave the Executive with no force whatsoever except State officers—a condition dangerous at once to the peace and order of the State, and to its sovereignty and dignity. There can scarcely be a doubt of the inexpediency of this act as to this State; since the same men with the exception of boys from 17 to 18 are now very thoroughly organized as Home Guards under State authority, and have been heretofore and would be again promptly turned out in cases of great public danger. Grave doubts are also entertained of its constitutionality; the forces raised under it being to all intents and purposes *militia*, the control of which cannot be legally taken from the Executive of the State government—at least so far as the appointment and commissioning of officers is concerned. Should you, however, in the absence of a judicial decision as to the constitutionality of the act, decline to take the responsibility of refusing assent to it, there will be an indispensable necessity of your constituting some militia force for the preservation of law and order in the State—by extending the age of service in the militia, and by some new organization of the remnants of the Militia and Home Guard organizations; otherwise I shall have on my hands the officers of two distinct organizations, powerless for want of men. In this connection I would mention that the same act of Congress has again conferred upon me, without reference to the Legislature, the power to claim the exemption of such State officers as I may deem necessary for the due administration of the laws. Not wishing to take so important a responsi-



bility upon my shoulders without consulting the representatives of the people, I have so far claimed the exemption of all civil and military officers of the State, together with the indispensable employees of the different departments of the State government, as enumerated by your body at its late extra session. And I now respectfully ask that you indicate to me by resolution, what persons you regard as proper subjects for exemption.

I have taken the ground that the exemption of State officers from conscription into the Confederate service is not by favor of Congress, but is a matter of right inherent in a sovereign State, and that for the same reason the State has an indisputable right to the services of laborers and other persons who are necessarily in her employ, though they be not *officers* within the meaning of the act of Congress. Should you agree with me in this opinion, I would be happy to be sustained by a resolution to that effect.

Should you conclude to combine the Home Guard and Militia organizations, I recommend that the latter be preserved. I should regret exceedingly to see the militia abolished, and its organization destroyed. It is the ancient and time-honored military institution of the State, the main dependence in ordinary times, for the suppression of rebellion and repelling of invasion, and though shorn of its strength by the raising of great armies, and despite its many shortcomings, it has been of great service both to the State and Confederacy during this war.

Among the acts of Congress referred to, that which has suspended the privilege of *habeas corpus* has most thoroughly aroused public attention. Neither the losses incurred by the radical and sudden changes in the currency, nor the conscription of the principals of substitutes, nor the extension of it to such an age, and upon such terms as to place the industrial pursuits of the country at the feet of the President, nor the heavy burthens of taxation—none of these, nor all of them together, have so awakened the public feeling as the withdrawal of this time-honored and blood-bought guard of per-

sonal freedom, from the people in times when it is most needed for their protection. It is true that our forefathers assumed, and this generation has conceded, that in cases of rebellion and invasion, the public safety may sometimes require its suspension; and, therefore, we have conferred on the Congress the power of suspension in such cases, when the *public safety* may require it. Nor can it be doubted that the power authorized to suspend is the sole power entitled to judge of the necessity for the act, and if the late statute had merely prohibited out and out the use of the writ for the time specified, there could be no complaint against its constitutionality, however ill-timed and unnecessary may have been the exercise of a rigor so great. But I have been as unable to see, in the times, any necessity for denying the writ, as I am to recognize in the law the constitutional exercise of the favor that is granted. Concurring in the doctrine that the protection against the abuse of the Constitution of the Confederate States, either by usurpation of powers or oppressive use of such as are granted, is "to be found in the responsibility of Congress to the people, ensured by their short tenure of office, and in the reserved right of each State to resume the powers delegated to the Confederate government, whenever in her judgment they are perverted to the injury or oppression of the people," I deem a duty devolved on the State, through her proper organs, to make known to that government her complaints and to insist upon a redress of her grievances. Under this idea of duty, and in a spirit of regard for the government of our adoption, I deem it incumbent to present my objections against the late act.

It is declared in the preamble that "the President has asked for the suspension, and informed Congress of conditions of public danger which render a suspension of the writ a measure proper for the public defence against invasion and insurrection." Thereupon it is exacted that the writ shall be suspended as to "the cases of persons arrested or detained by order of the President, Secretary of War, or the General Officer commanding the Trans-Mississippi military department."



The statute proceeds to classify under thirteen heads a very great number of acts, of which, if a man be accused, he shall be deprived of the benefit of the writ; and among them the act of attempting to "avoid military service." To prevent the outrage which may be perpetrated on an innocent man not subject to military service for merely attempting "to avoid military service," unlawfully demanded, it is provided that "in case of palpable wrong and oppression by any subordinate officer upon any party who does not legally owe military service, his superior officer shall grant prompt relief to the oppressed party, and the subordinate shall be dismissed from office."

And as a general protection of the citizens against abuses, under the act, it is provided, that "the President shall cause proper officers to investigate the cases of all persons so arrested or detained, in order that they may be discharged if improperly detained, unless they can be speedily tried in due course of law."

And, finally it is enacted that "no military or other officer shall be compelled in answer to any writ of *habeas corpus* to appear in person or to return the body of any person detained by the authority of the President, Secretary of War," &c.; "but upon the certificate, under oath, of the officer having charge of any one so detained, that such person is detained by him for any of the causes specified in the act under said authority, further proceedings under the writ shall immediately cease."

In order to ascertain whether the enactment is within the powers delegated, it is proper to keep in mind what are the privileges of the writ of *habeas corpus*, and we shall be sure to know what can be affected constitutionally, by suspension of it. This writ is the offspring of the love of liberty, and has been in use for ages by our ancestors and ourselves, as the hand-maid of freedom. Its use is to have enquiry made according to the rules of law of the causes why persons are restrained of their civil freedom. If upon enquiry by the proper authority, there be no cause detention, the

person is set at liberty. If there be cause he is remanded for further detention or allowed to go at large upon bail.— Now, these are all the privileges of the writ of *habeas corpus*. The writ finds no place for action until after the person is arrested. So that if there be any privileges or securities to the person attending the mode of arrest, these are not the privileges of the writ of *habeas corpus*, but exist independently of them. And it is therefore clear that a power to suspend the privileges of the writ is not a power to suspend the privileges secured in forms attending the mode of arrest.— They are too distinct to be confounded by any species of sophistry; and this distinction is plainly and notably observed in the bill to suspend the writ, passed through the Senate in January, 1807, which suspends it only when the person may have been “charged on oath,” and arrested by virtue of “a warrant.” The writ was as effectually suspended by that bill as by this act, and the Constitutional securities attending the mode of arrest, were left untouched and unimpaired. It may be then regarded as settled truth, that the suspension of the writ is no suspension of the constitutional forms prescribed for arrest, and that Congress has no power, express or implied, to suspend any other guaranty of civil liberty provided in the Constitution besides those secured by the writ alone. Notwithstanding this, the late act has strode over some of the most important guards of civil liberty, as if an express power had been conferred on Congress to suspend them likewise. Thus, while by paragraph 3, section 9, it is allowed Congress to suspend the privileges of the writ of *habeas corpus* in the emergencies mentioned, it is by the same section, paragraph 15, in the most emphatic terms, declared that “No warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the person to be seized.” And by paragraph 16, that “no person shall be deprived of his liberty without due process of law”—that is, “law in its regular course of administration, through courts of justice,” (1 Kent’s Com. sec. 24, paragraphs 13–14.) The beginning of this due process is first the charge on oath,



and the next step is the warrant describing the person to be seized. The third is the arrest, and until this takes place the *habeas corpus* has no status, and cannot possibly have any. At this point the writ springs into being, if not denied, and as here only its aid can be sought for the first time, so here for the first time can its privilege be denied. Yet the act involves with its suspension a suspension of the distinct and independent provisions which guard the citizen against a false charge and the dangers of a general warrant.

In my judgment Congress had the same power to suspend every other guard of civil liberty to be found in the Constitution—the same to deprive the citizen of the guaranty that he should not be held to answer for a capital crime, unless on presentment or indictment of a grand jury—that he should not be compelled to be a witness against himself—that he should have the right to a speedy and public trial by an impartial jury, and a trial in the district in which the crime shall have been committed.

The writ of *habeas corpus* is peculiar to the English people and ourselves. And a complete illustration of the operation of a suspension of its privileges will be seen by supposing that it had no existence here. In such case no provision would have been found for its suspension. But the clause requiring charge of crime to be made on oath and warrant to describe the person to be seized, would have been not only very proper, but the more necessary to be inserted. These could not have been legally disturbed by Congress, and any legislation dispensing with them had been mere usurpation and void.

Such is the general view I have taken of the act as it is supposed to relate to *crimes*. But the statute is construed to reach cases involving no offence whatever, legal or moral; and though there is some difference of opinion upon the question whether paragraph 5 of section 1, embraces the case of a citizen not liable military duty, who neither flies nor resists, but simply appeals or tries to appeal to the constitutional repositories of the law for a decision upon his rights,

yet there is too much reason to believe that the language is susceptible of the interpretation that it does include such persons; and such is the interpretation put upon it by the military authorities. And as the suspension was asked by the President, it is but just to infer that it was drawn to suit him, and his exposition carries the intended meaning of the paragraph.

I am unable to see any reason consistent with the principles of a free and civilized government, provided with a judiciary as a great and independent branch of its composition, for suspending the *habeas corpus* in cases which involve no evasion or attempt to evade military service that is due, but which merely ask when honest opinions differ to have the point settled by those tribunals which settle all matters of controversy between citizen and citizen, and a citizen and his government. If a citizen owe not any military service to the government, he has as much right to refuse to render it, when wrongfully claimed of him, as he has to refuse to pay a debt to the government wrongfully claimed of him; and if in both cases he stands fairly up and submits to an investigation of the question before those tribunals learned in such matters and appointed because of their fitness and skill, it would be just as reasonable to suspend the writ in the alleged debt of money as in the case of the alleged debt of service. This course might, and likely would, hasten the payment of a debt just or unjust, and so it may serve to put men in the army exempt by the laws of the land.

There is no instance of a suspension at any time of the writ, or the privilege of the writ, if there be any difference between them, for any other cause, either in England or America. Many suspensions of the privileges of the writ occurred in England between the passage of the *habeas corpus* act and the Revolution, running through a period of almost a century, and they all empowered the King either to *apprehend and detain, or to secure and detain without bail, such persons as are suspected of conspiracy against the King and his government.*



There was a British act of 1777, which denied the writ to "persons taken in the act of high treason, committed in any of the colonies, or on the high seas, or in the act of piracy, or who were charged with or suspected of any of those crimes." (Hurd. 132.)

The other suspensions in England after our revolution commenced in 1794, and continued at intervals till 1802, during the storms of the French Revolution. They are of the same character as those before, and affected those only who were charged with conspiring against the King and his government. The suspension during Shay's rebellion extended to crime or suspected crime. The attempted suspension in 1807 was confined to persons charged "with treason or other high crime or misdemeanor, endangering the peace, safety or neutrality of the United States." The idea cannot be entertained for a moment that the power of suspending the writ was granted for any such purpose as that of depriving a citizen of the privilege of a legal enquiry into his obligation to perform military service, in order to fill the army with soldiers. If such a power exist, the sovereignty of the States is at the mercy of the Confederate government. Where lies the relief against the conscription of the entire body of State officers? By this act it is deposited with the President alone! His officers alone can give the discharge—Confederate officers chosen without even the consent of the Senate, and removed at will. The appropriate tribunals are entirely over-looked: the State Judges are thrust aside without ceremony, and even the Confederate Judge, who holds his office during good behaviour, is ignored, and in their room is placed an officer who lives on the breath of the Confederate Executive. If the State officers are not put into the army under such power in the Executive, it is because the incumbent does not will it; and when the rights of the State shall exist by such a courtesy, they will cease to have any existence at all. It is hard to divine a sufficient reason for displacing the civil tribunals already established, and substituting others so dependent upon the Executive for their existence.—

The assurance of public men, that the power will not be abused, can never remove the fears of freemen, who rely only upon written Constitutions to protect their liberties.—History is too full of wrong to allow them to forget for a moment that *eternal vigilance is the price of freedom*.

It is manifest that the act contemplates that the *military* shall be invested with full powers to arrest any person, who may be suspected of any of the vague and ill defined charges mentioned; and such is the interpretation put on it by the general orders of Adjutant General Cooper, thus suspending the civil authorities throughout the land, and it is equally clear that it also contemplates that the order of the President for arresting or detaining citizens, shall be a general order to arrest and detain all such as may come within the category of suspected persons—without naming or describing the individual—and each military officer who may be deputed for that purpose will be invested with a perfect discretion over the liberty of every citizen in the land. In substance and effect the President is intended to be empowered with authority to fill the land with military deputies, who may seize any citizen without warrant or oath of probable cause, under a general warrant from the President to arrest all suspected persons. Such a warrant is without precedent in England for the last hundred years, and during the entire century past has been forbidden, denounced and declared void.

In my judgment, the President is vested by the Confederate Constitution, with no part of the judicial authority, except in cases arising in the land and naval forces, or in the militia, when in actual service under his orders. If he is vested with a particle of civil judicial jurisdiction, where is the grant of it and how far does it extend? If he have the power to issue a warrant for the arrest of a civilian suspected of violating a law of the Confederate States, he may make it returnable and examinable before himself, and order a discharge or require bail. It is certain that the mere suspension of the writ of *habeas corpus* does not invest the President with the powers of a civil judicial magistrate, and if it could have that effect



it could not give him an authority while discharging his judicial jurisdiction to lay aside the restraints imposed on all other judges.

The course adopted by the administration, of allowing the writ of *habeas corpus* to issue, and of forthwith checking the action of the judge and suspending his farther proceedings *ad libitum*, to await the reports of military officers having custody of the petitioner to their superiors, and finally subjecting the case to the decision of the war department in derogation of civil authority, is humiliating to the independent character of the judiciary and tends to the great danger of liberty, to familiarize the people with military supremacy.

It must be remembered, however, that these are merely my opinions. The Supreme Court, which alone has the power to decide upon the constitutionality of the law, has not yet spoken. When it does speak we must give heed to its voice, so long as the law remains on our statute books. But whether for constitutional reasons, or reasons of mere policy, the people have a right to demand the repeal of any obnoxious law. On both grounds I recommend that you urge Congress to repeal the act suspending the privilege of *habeas corpus*; or, should you concur in the judgment of Congress that a suspension is required by the exigencies of the times, that it should at least be modified and stripped of its unconstitutional or (at least) obnoxious features.

My opinion on this subject is well known. In the first message I had the honor to send to your body, in 1862, speaking of the then existing act authorizing a suspension of the writ, I used the following language: "I have not seen an official copy of the act, but learn from the newspapers that Congress has conferred upon the President the power to suspend the writ of *habeas corpus* in all cases of arrests made by Confederate authority. If this be once admitted, no man is safe from the power of one individual. He could at pleasure seize any citizen of the State, with or without excuse, throw him into prison and permit him to languish there without relief—a power that I am unwilling to see entrusted

to any living man. To submit to its exercise would, in my opinion, be establishing a precedent dangerous and pernicious in the extreme." &c.

There is nothing of this I am desirous of taking away or adding to. My earnest remonstrance against the passage of the present act is herewith transmitted, together with divers other letters to the Confederate authorities, in relation to the execution of the civil laws, rights of the people, &c., and which will convince you, I trust, that I have been equally zealous to guard against the inner as well as the outer dangers which threaten us.

Many recurring dangers of serious conflict with the Confederate government, especially in relation to the seizure of principals or substitutes after discharge by a judge, have been upon me since your last session. They were fortunately avoided however; but their solution would have been easy could I but have had the assistance of the Supreme Court. I greatly regret that you did not see proper to comply with my recommendation, when you were last in session, to authorize some one to convene that body in cases of great importance, and which admit of no delay. I can but repeat it now, for many obvious reasons.

Nor have I, amid all the embarrassments and perplexities of the situation, been unmindful of the great object of all our blood and suffering—peace, or neglectful of all proper and honorable efforts to obtain it—knowing the great desire of our people to save the precious blood of their children. If by any possibility an opening might be found for the statesman to supercede the soldier, I approached the President on the first opportunity presented by the cessation of hostilities last winter, and urged him to appoint commissioners and try what might be done by negotiations. I had little hope, indeed, of those commissioners being received by the government of our enemy, but I thought it our duty, for humanity's sake, to make the effort, and to convince our own suffering people that their government was tender of their lives and property and happiness.



My letter to the President last December and his reply are sent herewith for your information.

I respectfully recommend that you, as the representatives of the people of North-Carolina, should lay down what you would consider a fair basis of peace, and call upon our representatives in Congress, and those to whom is committed the power of making treaties, by the Constitution, to neglect no fitting opportunity of offering such to the enemy. These terms, in my judgment, should be nothing less than the independence of those States, whose destinies have been fairly united with the Confederacy by the voice of their people, and the privilege of a free choice to those which have been considered doubtful.

I presume that no honorable man or patriot could think of any thing less than independence. Less would be subjugation, ruinous and dishonorable. Nobody at the North thinks of reconstruction, simply because it is impossible. With a Constitution torn into shreds, with slavery abolished, with our property confiscated and ourselves and our children reduced to beggary, our slaves put in possession of our lands, and invested with equal rights, social and political, and a great gulf yawning between the North and South, filled with the blood of our murdered sons, and its waves laden with the *debris* of our ruined homes, how can there be any reconstruction with the authors of these evils, or how can it be desirable if it were possible? Lincoln himself says it is not possible; so does Mr. Fillmore, a man whom we once respected, and so do nine-tenths of their orators and presses. The only terms ever offered us contained in Mr. Lincoln's infamous proclamation, were alike degrading in matter and insulting in manner, being addressed not to the authorities, Confederate or State, of the South, but to individuals, who by the very act of accepting its terms would have proven themselves the vilest of mankind.

I cannot too earnestly warn you, gentlemen, and the country, against the great danger of these insidious attempts of the enemy to seduce our people into treating with him for peace,

individually or by the formation of spurious States or parts of States. Indeed, I might add that I look upon any attempt to treat for peace, other than through the regular channels provided by our constitution, so long as our government is maintained, as almost equally dangerous. It is the real peril of the hour. The long continuance and bloody character of the war have so exhausted the patience of our suffering people, that many of them are in a condition to listen eagerly to terms of peace, without duly considering what the results would be or how they are to be acquired. An example of this great danger is to be found in the attempt of the British ministry, in 1778, to seduce the loyalty of our forefathers from the cause of independence, by sending peace commissioners to the colonies, with the propositions contained in Lord North's "conciliating bills." These bills proposed to abolish all taxation whatever upon the colonies, except what might be necessary for the convenience of commerce—the nett proceeds of which were to go to the use of the colonies, to suspend the operations of all obnoxious statutes in reference to said colonies passed since 1763, and authorized these commissioners to pardon all such persons as they saw proper and to treat with "the existing governments or individuals." Here almost all the principal matters of dispute were conceded; but our fathers had an organized government and had set their hearts on independence. Yet the terms offered were so fair that but for the firmness and wisdom of the great George Washington, and the unflinching patriotism of Congress, the fate of this continent might have been changed; so great was the weariness of the people and so gloomy were the prospects. The danger of allowing commissioners to address themselves to any body but Congress was so great, as well as such a violation of the laws of war and international courtesy, that that body, after promptly rejecting the propositions and declaring that "the only solid proof" of a disposition on the part of the crown to make an honorable peace with the colonies, "would be an explicit acknowledgment of the independence of these States, or the withdrawal of the fleets and



armies"—went on solemnly to declare the measure "to be contrary to the law of nations, and utterly subversive of that confidence which could alone maintain those means which had been invented to alleviate the horrors of war; *and that therefore the persons employed to distribute such papers were not entitled to the protection of a flag.*"

General Washington was so astonished and indignant, that on its first appearance he was induced to regard it as a forgery, and in a letter to the President of Congress, he used the following language, remarkable for its severity in coming from him: "The enclosed draft of a bill was brought to Headquarters yesterday afternoon by a gentleman who informed me that a large cargo of them had just been sent out of Philadelphia. Whether this insidious proceeding is genuine and imported in the packet, or contrived in Philadelphia, is a point undetermined and immaterial; but it is certainly founded in principles of the most wicked, diabolical baseness, and meant to poison the minds of the people, and detach the wavering at least from our cause." And again: "The necessity of putting the army on a respectable footing, both as to the numbers and constitution, is now become more essential than ever. The enemy are beginning to play a game more dangerous than their efforts by arms (though these will not be remitted in the smallest degree) which threatens a fatal blow to the independence of America, and, of course, to her liberties. *They are endeavoring to ensnare the people by specious allurements of peace.* It is not improbable they have had such abundant cause to be tired of the war, that they may be sincere in the terms which they offer, which, though far short of our pretensions, will be extremely flattering to minds that do not penetrate far into political consequences; but whether they are sincere or not, they may be equally destructive; for, to discerning men, nothing can be more evident than that a peace on the principles of *dependence, however limited, after what has happened, would be to the last degree dishonorable and ruinous.* \* \* \* \*

"It is doubtful whether many of our friends might not incline

to an accommodation on the grounds held out, or which may be, rather than persevere in a contest for independence.

"If this is the case, it must surely be the truest policy to strengthen the army and place it upon a substantial footing. This will conduce to inspire the country with confidence ; \* \* \* and if a treaty should be deemed expedient, will put it in their power to insist upon better terms than they could otherwise expect."

By such timely counsel did the great Washington sustain the cause of *independence*—buoying up the hopes of our ancestors and laboring to meet these insidious attempts of the British to decoy them into the dangers of seeking peace by irregular and revolutionary methods. Again, in another letter to the same person, he says : "It seems to me nothing short of independence can possibly do. The injuries we have received from Britain can never be forgotten, and a peace upon other terms would be the *source of perpetual feuds and animosity*." The civilized world, wherever *liberty* is worshipped, has, with one voice, thanked God for the gift of Washington. Should we, his countrymen, recipients of the blessings of his wisdom and valor, refuse to heed his warning voice ?

Strange as it may seem, these "specious allurements of peace," described and denounced by Gen. Washington, have not been presented by the enemy. We are trying to delude ourselves. So great is the hostility and so furious the fanaticism of the dominant party at the North, that they have not even offered us terms that could be regarded by the most timid and wavering as "alluring." Lincoln's proclamation is so grossly outrageous and so repugnant to our every idea of liberty, property, and honor, as to ensure the rejection of the terms it holds out, while it adds weight and gives a tone of authority to the oft-repeated assertions of their public men and presses, that they want no compromise but will only be content with our subjugation. If our enemy were really willing, under any circumstances, to compromise with us upon any terms short of our absolute submission, they would



certainly say so, and that to those whom they know to be authorized to entertain their propositions. The insidious attempts to invoke separate, individual and State action, proves this conclusively, and can have no other intention than to plunge us into civil war and to subjugate us beyond redemption. How strange then to think, as some of our people honestly do, that the very plan proposed by the enemy for our destruction, is the best way to secure a speedy and honorable peace! I respectfully submit that my plan, based on the wisdom and patriotism of Washington, and the universal teaching of history—to strengthen and sustain the army, and negotiate through the proper channels—is the safer and the better one.

It seems to me that the safe, true and conservative path through all our troubles, lies in guarding alike against the destruction of law and liberty on the one hand, and the impatience of the people under the burdens of war on the other, while with both hands, and with all our strength and hearts and souls we uphold and maintain those who, even as I write, are battling and bleeding for the rights and independence of their country. I confess I am not of those who seem to think *the greatest* danger to our rights and liberties is from our own people and our own government. While struggling to resist the inevitable tendencies of revolution to destroy civil freedom at home, I cannot forget that the danger from without threatens the destruction of *everything*—that there comes from the North a rank and bloody despotism, fierce and fanatical, gory with our people's blood and blackened by the smoke of their burning homes, with hordes of armed slaves thirsting to complete the demoniac work of wasting and destroying, and panting to sow salt in the furrows of the plow-share of desolation, as it runs over our razed cities, and in whose march forms of law, constitutions, free governments, life, home, property, all, all go down to rise no more till God shall implant in the bosoms of a new generation the principles of liberty and love of peace, which this, in its madness, has cast off.

In addition to the many brilliant victories which have crowned our arms this spring in all parts of the Confederacy, I have the sincere pleasure to congratulate you upon the very splendid success of the opening of the campaign in our State, resulting in the re-capture of the towns of Plymouth and Washington, and the rescue of a considerable portion of

our territory from the enemy. This is the more gratifying because it was accomplished by troops under the command of two distinguished sons of North-Carolina, Brigadier, now Major General Hoke commanding the land forces, and Commander Cooke, with the steam-ram Albemarle. I doubt not but that you will see the propriety of rendering suitable thanks to these gallant officers and the brave officers and men under their command for the conspicuous heroism which has been rewarded by such splendid results. We cordially and gladly welcome back our fellow-citizens of that region, thus rescued from the enemy, to the embraces of their mother State, and thank them for their steadfast adherence to our cause under the tyranny and oppression of our foe. Indeed, it is gratifying to observe the very great loyalty and patriotism of that whole portion of our State within or contiguous to the enemy's lines, which has been alike subjected to his blandishments and his ravages. May the day speedily come when our jurisdiction shall again extend to the sands of the Atlantic.

Several other matters which I deem it unnecessary to specify, will thrust themselves upon your attention.

In regard to financial matters, the interesting report of the Public Treasurer is, so full and complete that I am content merely to refer you to it, confident that I could not improve upon any of his suggestions, which I, in the main, endorse.

The poor, especially the indigent families of our soldiers, still demand our care. It is justly conceded that when they are not able to support themselves the State should support them in the absence of their natural protectors. I cannot, however, make any specific recommendation for their further relief, but should any plan occur to your superior wisdom, I doubt not but you will promptly act upon it. It will be very difficult for many of them to struggle through till harvest, especially in some of the counties of the west, which have been preyed upon alike by friend and foe.

Trusting that harmony will prevail in your councils, and that much good may, under God, result to the country therefrom, I close my message with an expression of readiness to co-operate with you—should it lie in my power—in the execution of the labors devolving upon you.

Z. B. VANCE.

EXECUTIVE DEPARTMENT, }  
May 17, 1864. }